

***AN ORDINANCE ADOPTING CHAPTER 14, MOTOR VEHICLES AND TRAFFIC,  
ARTICLE V, ALL-TERRAIN VEHICLES, DIRT BIKES, MINI BIKES, MINI CYCLES,  
MOTOR-DRIVEN CYCLES, POCKET BIKES, ETC.***

**WHEREAS**, all-terrain vehicles, dirt bikes, mini bikes, mini cycles, motor-driven cycles, pocket bikes, etc. (“Motorized Recreational Vehicles”) are not allowed to be operated on residential streets and are required to be transported to a park or private property which allows the operation of recreational and all-terrain vehicle utilizing an appropriate trailer or hitch; and

**WHEREAS**, neither state or local police are allowed to engage in pursuit of those operating Motorized Recreational Vehicles within the City of Milford per Connecticut state law, and those willfully violating these laws are well-aware of these constraints on law enforcement; and

**WHEREAS**, over the last several years, the illegal operation of Motorized Recreational Vehicles within the city limits has reduced the quality of life of its residents due to the significant noise levels these vehicles omit, disturbing residents simply trying to enjoy peace and tranquility within their own home and the ability to sleep restfully; and

**WHEREAS**, Motorized Recreation Vehicle operators frequently travel in large packs while driving aggressively, including doing popper-wheelies and weaving in and out of traffic in densely populated residential streets terrifying residents and placing children, pedestrians, and motor vehicle operators at great risk of injury; and

**WHEREAS**, Milford Police Chief Keith Mello recommends the enactment of the proposed ordinance to provide Milford Police Officers with an enforcement mechanism to hold those involved in street takeovers accountable.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Aldermen of the City of Milford that Chapter 14, Motor Vehicles and Traffic of the Code of Ordinances of the City of Milford is hereby further amended by adopting Article V, All-Terrain Vehicles, Dirt Bikes, Mini Bikes, Mini Cycles, Motor-Driven Cycles, Pocket Bikes, Etc. as follows:

**Sec. 14-54. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section:

*All-Terrain Vehicle* means a self-propelled vehicle designed to travel over unimproved terrain as defined in Connecticut General Statutes §14-379 and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways.

*Dirt Bike* means a two-wheeled Motorized Recreational Vehicle designed to travel over unimproved terrain and not designed for travel on a highway, as defined in Connecticut General Statutes §14-1. "Dirt Bike" does not include an All-Terrain Vehicle, as defined in Connecticut General Statutes §14-379, or a Motor-Driven Cycle, as defined in Connecticut General Statutes §14-1.

*EPAMD* shall mean any electric personal assistive mobility device (hereinafter "EPAMD") that is self-balancing, has two (2) non-tandem wheels, is designed to transport one (1) person, and has an electric propulsion system that produces an average power output of no more than 750 watts.

*Mini Cycle* means pocket bikes, miniature (hereafter "mini") bikes, Mini Cycles, mini sport bikes, mini motorcycles, chopper scooters, and any other similar wheeled vehicle designed to transport one (1) or more persons that is powered by any type of motor.

*Motor-Driven Cycle* means any motorcycle, motor scooter, or bicycle with an attached motor, except for electric bicycles as defined by Connecticut General Statutes §14-1, with a seat height of not less than twenty-six (26) inches, and a motor having a capacity of less than fifty (50) cubic centimeters of piston displacement.

*Motorized Recreational Vehicle* shall mean a wheeled vehicle, with a motor, intended to be ridden by one (1) or more persons and shall include All-Terrain Vehicle, Dirt Bike, Mini Cycle, Motor-Driven Cycle, and Snowmobile, all as defined herein.

Motorized Recreational Vehicle shall not be deemed to include any of the following:

- (1) Any registered "motorcycle" as defined in the Connecticut General Statutes §14-1(59);
- (2) Any registered "motor vehicle" as defined in Connecticut General Statutes §14-1(58);
- (3) Any moped that meets Federal Department of Transportation guidelines for use on streets and is approved by the State of Connecticut Department of Motor Vehicles for use on streets, provided, however, the moped is operated pursuant to all applicable state laws, rules, and regulations and all City of Milford ordinances;
- (4) Any wheelchair or similar mobility assisting device utilized by a person with a physical disability or whose ambulatory mobility has been impaired due to age or physical ailment;
- (5) Any self-propelled snowplow, snow blower, or lawn mower when used for the purpose for which it was designed and operated at a speed not to exceed four (4) miles per hour;
- (6) Any vehicle owned or leased by the City of Milford;
- (7) Any EPAMD as defined herein;
- (8) Any bicycle, trail bike or electric bike;
- (9) Any golf cart;
- (10) Any agricultural equipment such as tractors and farm implements;
- (11) Any construction machinery; and

- (12) Any vehicle that is used solely for amusement, or as a novelty display item, and is operated during a parade or any other special event that is properly permitted and approved by the City of Milford.

*Motorized Recreational Vehicle Dealer* means any person engaged in the business of manufacturing or selling any Motorized Recreational Vehicles, having an established place of business for the manufacture, sale, trade, and display of such vehicles.

*Snowmobile* means a vehicle with a motor, with runners in the front and caterpillar tracks in the rear, intended to be used by one (1) or more persons for travelling over ice and snow.

**Sec. 14-55. Operations prohibited.**

- (a) It shall be unlawful for any person to operate a Motorized Recreational Vehicle or for any owner of a Motorized Recreational Vehicle to knowingly permit the operation of such vehicle on any street or sidewalk in the City of Milford or on any public property, including but not limited to school property, playgrounds, and parks within the City of Milford.
- (b) It shall be unlawful for any person to ride as a passenger on a Motorized Recreational Vehicle or for any owner of a Motorized Recreational Vehicle to knowingly permit any person to ride as a passenger on such vehicle operated in violation of subsection (a) above.
- (c) It shall be unlawful for any person to operate a Motorized Recreational Vehicle, ride as a passenger on a Motorized Recreational Vehicle, or for any owner of a Motorized Recreational Vehicle to knowingly permit its operation on any private property within the City of Milford without first obtaining the written permission of the property owner, if the property is not owned by the operator, passenger, or owner of such vehicle.
- (d) It shall be unlawful for any person to operate an EPAMD or for any owner of an EPAMD to knowingly permit the operation of an EPAMD on any street in the City of Milford, except as provided herein. An EPAMD may be operated on any designated bike line or sidewalk and/or crosswalk. Such operator must adhere to the regulations of such travel lane as defined by the Traffic Commission and in no instance shall the speed of operations exceed five (5) miles per hour on any sidewalk. Where no such bike lane or sidewalk exists, an EPAMD may be legally operated on the far-right side of the street. An operator of an EPAMD shall yield to pedestrians and any wheelchair or similar mobility assisting device as defined in §14-54 above and shall comply with any applicable State of Connecticut laws or regulations.

**Sec. 14-56. Penalty.**

- (a) Any person who operates any Motorized Recreational Vehicle in violation of §14-55 above, or any owner of any Motorized Recreational Vehicle who knowingly permits its operation in violation of §14-55 above, shall be fined one thousand dollars (\$1,000.00) for a first violation, shall be fined one thousand five hundred dollars (\$1,500.00) for a second violation, and shall be fined two thousand dollars (\$2,000.00) for a third or subsequent violation.
- (b) Any person age sixteen (16) or older who rides as a passenger on any Motorized Recreational Vehicle in violation of §14-55 above, or any owner of a Motorized Recreational Vehicle who knowingly permits a passenger to ride on his/her Motorized

Recreational Vehicle in violation of §14-55 above, shall be fined two hundred fifty dollars (\$250.00).

- (c) Any person in violation of this Article V may be detained by a police officer for purposes of enforcing the provisions of this Article V. Any Motorized Recreational Vehicle used in violation of this Article V may be seized by any police officer and may be forfeited to the City, in accordance with §§14-57 and 14-58 of this Article V, subject to any bona fide lien, lease, or security interest in the Motorized Recreational Vehicle, including, but not limited to, a lien under Connecticut General Statutes §14-66c.
- (d) Any person who operates an EPAMD in violation of §14-55 above or is the owner of an EPAMD who knowingly permits its operation in violation of §14-55 above that has been previously issued one (1) warning as the result of a previous violation of Article V, shall be fined two hundred fifty dollars (\$250.00).

**Sec. 14-57. Seizure of Motorized Recreational Vehicles; disposal.**

- (a) Any person who operates a Motorized Recreational Vehicle in violation of §14-55 above or is the owner of any such vehicle who knowingly permits its operation in violation of §14-55 above will be subject to seizure of said vehicle(s) pursuant to Connecticut General Statutes §54-33g, which allows for seizure of property. A police officer who observes any Motorized Recreational Vehicle being operated in violation of this Article may detain such person for purposes of enforcing the provisions of this Article V and may remove or tow such Motorized Recreational Vehicle to a secure location for impoundment. Before the owner of any such impounded property may remove the vehicle from a vehicle pound, he/she shall furnish to the operator of such pound or such other person as the chief of police shall designate evidence of registration and ownership, shall sign a receipt for such property, and shall pay the cost of towing, plus the cost of storage for each day or portion of a day that such property is stored in excess of the first twenty-four (24) hours after seizure. The operator of such pound shall refuse the release of any such property lawfully seized that the chief of police has authorized to hold as evidence in a criminal investigation or proceeding. Such operator shall obtain written permission from the chief of police on any form or document prescribed by the chief of police prior to the release of such property held for evidence. The City of Milford shall not be liable for any damage to or loss of property seized in accordance with this Section.
- (b) Any such Motorized Recreational Vehicle that is not claimed by its owner under the terms of this section for a period of forty-five (45) days after seizure or in the case of a vehicle being held as evidence not claimed by its owner within forty-five (45) days of the cessation of such investigation or disposition of such criminal proceeding, whichever is later, may be disposed of at the direction of the chief of police after serving notice in the same manner as that required for the disposal of abandoned vehicles under Connecticut General Statutes §14-150(e), except in the case that a vehicle that is not registered, such notice shall not require mailing to persons whose names are registered with the state department of motor vehicles.

**Sec. 14-58. Hearing prior to forfeiture of Motorized Recreational Vehicle.**

- (a) A hearing officer shall be appointed by the mayor subject to the approval of the board of aldermen to conduct hearings authorized by this §14-58. Such hearing officer shall work

with the chief of police in the scheduling of hearings held pursuant to this §14-58. The chief of police or his or her designee shall represent the police department at such hearing. A sworn police incident report shall be considered prima facie proof of the violation. The owner or lienholder may cross examine any witness and present evidence and argument in opposition to the city's claim. After the hearing as provided by this section, the hearing officer may order the forfeiture of any Motorized Recreational Vehicle that has been seized upon proof of conduct amounting to probable cause for a violation of §14-55 or any other city ordinance or state law pursuant to the process provided herein. Written notice advising the recipient of the right of the owner or lienholder of the Motorized Recreational Vehicle to a hearing prior to the disposal of the Motorized Recreational Vehicle will be delivered to any lienholder and to the owner, or if no owner can be identified, to the rider, within thirty (30) days of the seizure. A written request for a hearing before a hearing officer, must be received, by hand delivery or certified mail, return receipt requested, to Hearing Officer, in care of the Chief of Police, Milford Police Department, 430 Boston Post Road, Milford, Connecticut 06460 within thirty (30) days of receipt of the notice. Said request for a hearing by an owner must be submitted with proof of ownership or by a lienholder with proof of lien or other security interest in the Motorized Recreational Vehicle.

- (b) Said hearing shall be conducted by the hearing officer and shall be held not more than thirty (30) days after the receipt of the written request, except that written requests for an extension of time may be granted for good cause shown. Notice of the date and time of said hearing shall be provided to the owner or lienholder no later than ten (10) days before the date of the hearing by electronic delivery and/or by certified mail, return receipt requested, at the email or residential address provided by the owner or lienholder in the written request for a hearing.
- (c) Any party to the hearing may, at his/her expense, record the hearing. Any party to the hearing may be represented by counsel.
- (d) A Motorized Recreational Vehicle may be ordered forfeited upon a finding of any, but not limited to, of the following:
  - (1) There is probable cause to believe that the Motorized Recreational Vehicle was possessed, controlled, or designed for use, or is or has been or is intended to be used, to violate, or in violation of any city ordinance or the motor vehicle or criminal laws of this state; or
  - (2) There is probable cause to believe that the Motorized Recreational Vehicle was operated with reckless and wanton disregard for the welfare or property of others.
- (e) Following the hearing, the hearing officer who conducted the hearing, shall issue a written decision ordering the forfeiture of the Motorized Recreational Vehicle or ordering the return of the Motorized Recreational Vehicle to its owner, except that the hearing officer who conducted the hearing, shall not order the release of any motorized motor vehicle that is required to be kept as evidence in any investigation or legal proceeding related to any criminal or motor vehicle offense.
- (f) Any Motorized Recreational Vehicle that is subject to a bona fide mortgage, assignment of lease or rent, lien, or security interest shall not be ordered forfeited in violation of the rights of the holder of such mortgage, assignment of lease or rent, lien, or security interest.

- (g) Any Motorized Recreational Vehicle ordered forfeited shall be disposed of consistent with applicable law.
- (h) If within thirty (30) days of the delivery of the notice of the right to a hearing under this section, no owner or lienholder of the Motorized Recreational Vehicle has requested a hearing, the vehicle will be considered abandoned and disposed of under applicable law.

**Sec. 14-59. Posting by Motorized Recreational Vehicle Dealer.**

- (a) Each Motorized Recreational Vehicle Dealer offering for sale, lease, or rental any Motorized Recreational Vehicle shall post this Article V in a prominent location at the Motorized Recreational Vehicle Dealer's place of business.
- (b) Any such Motorized Recreational Vehicle Dealer who violates any provision of this section shall have committed an infraction. For a first violation, the chief of police or his/her authorized agent shall issue a written warning providing notice of the specific violation and the time period within which it shall be corrected. If the dealer receiving the written warning fails to correct the violation within the time period specified in the warning, the chief of police or his or her authorized agent shall issue a fine of one hundred dollars (\$100.00). Any continuing violation that is discovered during any subsequent reinspection shall result in a fine of one hundred dollars (\$100.00). Each reinspection at which a violation is discovered shall constitute a separate violation.